

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

**DEE FORD'S WEST, LLC and DEWEY
LANKFORD FORD**

Plaintiff,

v.

**MESA UNDERWRITERS SPECIALTY
INSURANCE COMPANY**

Defendant.

**CIVIL ACTION NO.:
1:24-CV-00946-CLM**

MOTION TO EXTEND DEADLINE TO RESPOND TO COMPLAINT

Defendant MESA Underwriters Specialty Insurance Company (“MESA”), pursuant to Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure and without waiving any defenses, respectfully moves this Court for an additional 45 day extension of time to respond to the Complaint filed by Plaintiffs Dee Ford’s West, LLC and Dewey Lankford Ford (collectively, “Plaintiffs”). In support of this Motion, MESA states as follows:

1. On August 16, 2024, the Court granted MESA’s first unopposed motion requesting the deadline to file its response to Plaintiffs’ Complaint be extended to September 3, 2024.

2. This initial extension was requested in order to allow the parties time to meet and confer following the August 20, 2024 mediation of the underlying matter styled *Thomas Lavigne v. Dee Ford’s West, LLC*, Case No. CV-2019-900254, Circuit Court of Talladega County, Alabama, which is presently on appeal to the Alabama Supreme Court and styled as *Dee Ford’s West, LLC v. Thomas Lavigne*, Case No. 2024-0120 (“Underlying Action”).

3. The parties participated in the August 20, 2024 mediation, and a global settlement of the Underlying Action and this matter was reached. Counsel for the parties are presently working to reach agreement to the written terms of a Settlement Agreement and Release.

4. In order to allow the parties time to finalize the terms of the Settlement Agreement and Release and, to the extent necessary, seek approval from the U.S. Bankruptcy Court for the Northern District of Alabama, MESA respectfully requests an additional 45-day extension of time to file its response to the Complaint, up to and including October 18, 2024.¹

5. This Motion is authorized by Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure and is made in good faith and not for the purpose of delay. No party will be prejudiced by the requested extension.

WHEREFORE, Defendant MESA Underwriters Specialty Insurance Company respectfully requests that the deadline to file its response to Plaintiffs' Complaint be extended to October 18, 2024.

Dated: September 3, 2024

Respectfully submitted,

/s/Kenneth W. Boyles, Jr.

Kenneth W. Boyles, Jr. (ASB-6784-M55B)

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*Attorney for Plaintiff Mesa Underwriters Specialty
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¹ *In re: Dee Ford's West, LLC*, pending in the United States Bankruptcy Court for the Northern District of Alabama, Eastern Division (Chapter 11, Subchapter V - Case No. 24-40320).

CERTIFICATE OF SERVICE

I do hereby certify that a true and accurate copy of the foregoing has been served on all parties of record via the CM/ECF electronic filing system and/or U.S. Mail on this the 3rd day of September, 2024.

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